

12 MAY 1947

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1341	2574		Affidavit of NAKAMURA, Tatsuji		21864
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Monday, 12 May 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Lazarus.

4 MR. LAZARUS: If the Tribunal please, on
5 Thursday afternoon when I asked the Tribunal not to
6 sit on Friday, I announced that the prosecution had
7 been wholly unable to help us with any documents during
8 the week. I did not mean to say that. Actually the
9 prosecution had been held up only during part of the
10 week, a small part of the week, in its inability
11 because of the paper shortage not to give us any docu-
12 ments. The prosecution has been most cooperative and
13 it was inadvertent that I said that they had been
14 wholly unable to give us any documents. As a matter
15 of fact, because of the temporary shortage in the
16 defense and in the prosecution, that was why we were
17 unable to proceed, but the prosecution had all during
18 the week worked for us.

19 THE PRESIDENT: I am authoritatively informed
20 that there is a world shortage of paper, so we must
21 make the best of the supplies we have. I am sure the
22 defense will give us their fullest cooperation.

23 Mr. Williams.

24 MR. G. WILLIAMS: If the Tribunal please,
25 just prior to adjournment last Thursday I offered

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20 that there is a world shortage of paper, so we must
21 make the best of the supplies we have. I am sure the
22 defense will give us their fullest cooperation.

23 Mr. Williams.

24 MR. G. WILLIAMS: If the Tribunal please,
25 just prior to adjournment last Thursday I offered

1 into evidence defense document No. 792, the Treaty of
2 Commerce and Navigation of 1896 between Japan and China.
3 Due to the absence of Court copies, no action on this
4 document was taken by the Tribunal. Accordingly, I
5 should like to withdraw this tender so that the document
6 may be offered at a later and more appropriate time,
7 along with certain other basic treaties.

8 THE PRESIDENT: Well, you withdraw it, do you?
9 Mr. Tavenner.

10 MR. TAVENNER: If it please the Tribunal,
11 defense counsel and prosecution counsel have agreed
12 to the production of the witness Colonel Barrett for
13 cross-examination at this time, with the Tribunal's
14 permission.

15 THE PRESIDENT: The Tribunal agrees.

16 MR. TAVENNER: Will you call Colonel Barrett?

17 MARSHAL OF THE COURT: The Marshal has not
18 been informed as to the presence of the witness. I
19 don't know where he is.

20 MR. TAVENNER: He is right at the entrance
21 to the courtroom.

22 THE PRESIDENT: The Marshal should be informed
23 of all these things. That is the Court's order. He
24 is only doing his duty in pointing it out.
25

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1 D A V I D D. B A R R E T T, Colonel, USA, a
2 witness called on behalf of the prosecution,
3 being first duly sworn, testified as follows:

4 MR. TAVENNER: You may cross-examine.

5 MR. KANZAKI: Counsel KANZAKI.

6 THE PRESIDENT: Counsellor KANZAKI.

7 MR. KANZAKI: Mr. President, there seems to
8 be many opinions and conclusions in this affidavit of
9 this witness. I should like to have those opinions and
10 conclusions disregarded.

11 THE PRESIDENT: I repeat for the fiftieth
12 time, perhaps, that all opinions will be disregarded.
13 Please don't ask us to repeat directions we have
14 already given or intimations we have already made.

15 MR. KANZAKI: Thank you.

16
17 CROSS-EXAMINATION

18 BY MR. KANZAKI:

19 Q Mr. Witness, it appears that you have investi-
20 gated the Chinese side at Wanping. Have you ever had
21 occasion to investigate the Japanese side?

22 A During the period that I was on duty as
23 assistant military attache at Peking, it was my duty
24 to report the situation as it then existed as fully
25 and accurately as possible. Therefore, I used every

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1 means available to me to ascertain the situation, not
2 only from the Chinese side but from the Japanese side.

3 THE PRESIDENT: That appears in the penul-
4 timate paragraph of his affidavit.

5 Q It appears from your affidavit, Mr. Witness,
6 that from July 9, 1937, to about the 19th of July you
7 visited Wanping Hsien five or six times. During that
8 period have you ever had any occasion to visit the
9 Japanese side?

10 THE PRESIDENT: You have given wrong dates
11 or you have been wrongly interpreted.

12 MR. KANZAKI: After the 9th of July up to the
13 28th of July. Will you please answer?

14 A I would like to have the question repeated.

15 THE PRESIDENT: Repeat the question as amended.

16 (Whereupon, the last question and state-
17 ment by Mr. KANZAKI were read by the official
18 court reporter.)

19 A After the 9th of July and up to the 28th of
20 July I had occasion to ascertain to the best of my
21 ability the Japanese side of the situation. Just
22 exactly what is meant by the question "visit the
23 Japanese side" I am not entirely clear.

24 Q My meaning -- what I meant by visiting the
25 Japanese side was did you see the Japanese troops, did

BARRETT

CROSS

1 you talk with anybody in command or with responsible
2 authority over those troops, and did you hear from
3 this party anything about the situation?

4 A During this period I saw the Japanese troops
5 on a number of occasions. I talked to Japanese officers
6 of my acquaintance. I also talked to certain Japanese
7 who were performing duty as liaison between the
8 Japanese garrison in Peking and the office of the
9 military attache.

10 Q Who was this liaison officer?

11 A I am not absolutely certain, but I believe
12 that his name was OKAGI.

13 Q What was his rank?

14 A Mr. OKAGI, to the best of my knowledge and
15 belief, did not hold any active rank in the Japanese
16 Army. Whether he carried on his duties as a liaison
17 officer officially or unofficially I am unable to state.
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1 Q Now, Mr. Witness, you state in your affi-
2 davit that you visited the Chinese side at Wanping
3 at least five times between July 9 and July 25; and
4 the question I should like to ask you is, how many
5 times did you visit the Japanese side during the same
6 period?

7 A As nearly as I can remember, the only occa-
8 sion on which I actually went within the Japanese
9 lines was on the occasion of my first visit to
10 Lukouchiao as described in my affidavit.

11 Q Then it amounts to only this, doesn't it:
12 that you just, on your way to Wanpinghsien, just hap-
13 pened to see Japanese soldiers assembled along the
14 railway embankment?

15 A The fact of the matter was, I proceeded first
16 to Wanpinghsien. From the east gate of Wanpinghsien
17 I proceeded northeast across the railroad track and
18 there found myself within the lines of a Japanese
19 battalion which was assembled on the north side of
20 the railroad track.

21 Q Mr. Witness, did you talk with the battalion
22 commander or any officer of that battalion assembled
23 there?

24 A I did not talk with the officer. I attempted
25 to talk to the officer in command of the battalion;

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19 battalion which was assembled on the north side of
20 the railroad track.

21 Q Mr. Witness, did you talk with the battalion
22 commander or any officer of that battalion assembled
23 there?

24 A I did not talk with the officer. I attempted
25 to talk to the officer in command of the battalion;

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1 but, due to the fact that he did not speak English
2 or Chinese, and I had no interpreter with me, I did
3 not carry on any conversation with him.

4 Q Did you ascertain whether he spoke English
5 or Chinese?

6 A I ascertained as best I could.

7 Q Mr. Witness, do you speak Chinese?

8 A Yes, sir.

9 Q Then, was this the only occasion that you
10 visited the Japanese side -- or Japanese troops?

11 A As I stated before, I am not entirely
12 clear what you mean by the question, did I visit
13 the Japanese side or did I visit the Japanese
14 troops?

15 Q I mean to say that, did you investigate
16 the Japanese side as you investigated the Chinese
17 side between 9 July and 25 July?

18 A During the period you have stated I inves-
19 tigated the Japanese side.

20 Q What kind of an investigation did you carry
21 on?

22 A The investigation consisted of observing
23 the dispositions of the Japanese troops on the
24 ground and of questioning Japanese of my acquaintance
25 in the city of Peking.

1 Q Then you did not personally visit Japanese
2 troops?

3 A I did not personally visit Japanese troops
4 to this extent: I did not go to the headquarters or
5 to the command post of any Japanese troops in the
6 vicinity of Lukouchiao except on that first day.
7 But, in the course of my duties, I was in close
8 proximity to Japanese troops on several occasions and
9 had an excellent opportunity to observe their disposi-
10 tion.

11 Q Now, did you go into the Japanese lines be-
12 yond just merely approaching the Japanese troops by
13 very close proximity?

14 A As a matter of fact, I am unable to state
15 positively that there was any such thing as a defin-
16 ite Japanese line after the morning of the 9th of
17 July when I first visited the command post.

18 Q Then I should change my question, Mr. Wit-
19 ness. You said that you investigated Japanese troops
20 quite well. Now, did you know, Mr. Witness, that the
21 Japanese troops -- that a second inspection was just
22 awaiting the Japanese troops at that time?

23 A I was not aware of the fact that I ever
24 said anything about knowing that there was a first
25 inspection of the Japanese troops awaiting at that

time.

1 Q You being a soldier, I should like to ask
2 you this question: Is it not customary for all
3 troops to hold maneuvers before an inspection?

4 A Speaking only from my own experience as a
5 United States Army officer, I would say that it is
6 by no means necessarily an established custom.

7 Q I am asking you about the Japanese Army,
8 Mr. Witness. Do you not know that Japanese Army
9 inspections are always preceded by very active
10 maneuvers?

11 A From my own personal knowledge, I am unable
12 to make any such declaration.

13 Q You state in your affidavit, Mr. Witness,
14 that within twenty-four hours of the attack on Wan-
15 ping, large reinforcements had been sent through the
16 Great Wall. Now, if the attack on Wanping took
17 place on the 9th, what day and what time do you mean
18 when you say "within twenty-four hours"?

19 A As to the exact hour that these reinforce-
20 ments were reported moving south through the Great
21 Wall, I am unable to state positively. As these
22 reports were received, a very careful record was
23 made of them as they came in. This record was very
24 carefully maintained as a part of the records of the
25

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1 office of the military attache upon which we based
2 our reports to higher authority.

3 THE PRESIDENT: Pause for translation after
4 short sentences, Colonel Barrett. Otherwise you will
5 have our translation section in difficulty. The
6 shorter the sentence, the more frequent the pause,
7 the better for them.

8 Q Do you know when troops came from Manchukuo
9 into the Peiping-Tientsin area -- when they actually
10 came into that area?

11 A As to the exact time of their arrival in
12 the Tientsin area, I am not able to testify from
13 memory.

14 Q Then, when you state that these reinforce-
15 ments arrived within twenty-four hours, that is just
16 a report and not a statement of the exact time that
17 they arrived; isn't that so?

18 A It is evidently not an exact statement of
19 the time that they arrived.

20 Q Now, "within twenty-four hours of the attack
21 on Wanping" means this: that the attack on Wanping
22 was made on the morning of the 9th of July, and that
23 morning you were in Wanping. Were there indications
24 that large reinforcements were forthcoming from
25 Manchuria into China?

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1 A As far as I know, I think I did not testify
2 that the attack on Wanping, to my personal knowledge,
3 began on the morning of the 9th. In my affidavit I
4 testified that I had been informed that the attack
5 began in the early morning hours of the 7th.
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1 Q That is it. If it is 24 hours after the
2 attack it would be the 9th. That is what I meant.

3 A On my return to Peking after visiting
4 Wang pinghsien, on the morning of the 9th, reports
5 began to arrive at our office that large numbers
6 of troops were on their way inside the Great Wall,
7 and that the advanced elements of these troops had
8 already passed Shanghaikuan.

9 Q By large reinforcements what do you mean?
10 How large were these forces numerically?

11 A May I ask to have the question repeated?

12 Q What was the numerical size of these
13 troops -- of these large forces?

14 A I am unable to state from memory the
15 strength of the advanced elements of those troops
16 which had arrived inside the Great Wall at the time
17 I mentioned.

18 Q You received assembled reports that these
19 reinforcements crossed the Great Wall. Did you
20 receive any definite information or report that they
21 had arrived in the Tientsin-Peiping area?

22 A We did not receive assembled reports concern-
23 ing the arrival and movements of these troops. The
24 reports that we received were made from time to time
25 and were not a complete summary or an assembled report.

1 Q Among those reports which you received from
2 time to time -- and I don't mean to infer that you
3 were receiving complete reports -- was there any
4 report stating the time of the arrival of Japanese
5 forces in the Peiping-Tientsin area?

6 A The term "Peiping-Tientsin area" is rather
7 an indefinite one. The reports that we received
8 were that those forces ~~had~~ passed a given point
9 moving toward the west and therefore were presumed
10 to have arrived in the Peiping-Tientsin area at the
11 time I have stated.

12 Q You seem to have gathered considerable
13 reports with respect to Japanese troop movements.
14 Now I should like to ask some questions with regard
15 to Chinese troops.

16 Do you know when an agreement was signed
17 between -- a mediation agreement was signed between
18 the Japanese and Chinese side on the spot?

19 A I have no first-hand knowledge as to when
20 such an agreement was signed.

21 Q Do you know when the Chinese air force was
22 brought into action?

23 A As far as my personal knowledge and belief
24 are concerned, I did not know that the Chinese air
25 force was ever brought into action.

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1 Q Do you know the date when the Chinese con-
2 centrated four divisions on the north side of Honan
3 Province?

4 THE MONITOR: The northern border of Honan
5 Province.

6 A I don't know that date, nor have I any
7 knowledge as far as my personal knowledge is con-
8 cerned, that such divisions were concentrated.

9 Q Do you know when orders for action were
10 issued to the air force at Canton and to the army?

11 THE MONITOR: The air force and army located
12 in Canton.

13 A May I ask, Orders for what action?

14 Q Orders were issued by the Central Govern-
15 ment in Nanking to the army, that is, the ground
16 force and the air force in Canton, to start move-
17 ments.

18 A The question is a very, very indefinite
19 one. I will answer to the best of my ability. I
20 don't know when any such orders were issued.

21 Q Do you know the fact that General Sung
22 Che-yuan came to the Tientsin headquarters to ex-
23 press his apologies?

24 A I don't know on what date that occurred.

25 Q Do you know that there was such a fact,

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1 that he had made an apology?

2 A I was so informed, but I had no personal
3 first-hand knowledge of this event.

4 Q Now, an incident broke out at Lukouchiao
5 on the 7th. Do you know that another incident
6 broke out on the same spot on the 11th?

7 A I know that following the 7th there were
8 from time to time clashes between Chinese and
9 Japanese troops in the vicinity of Lukouchiao.
10 As far as I was concerned, we considered it a continu-
11 ation of the same incident.

12 Q Do you know of the death of Commander
13 TASHIRO of the Japanese forces?

14 A At that time I did not.

15 Q When were you informed of his death?

16 A I knew that there had been casualties on
17 both sides, but the particular names of any officers
18 or enlisted men who were killed or wounded I was not
19 informed about.

20 Q I am not speaking of any N.C.O. or sol-
21 diers but the Commander-in-Chief of the Japanese
22 garrison soldiers.

23 THE PRESIDENT: He said officers, not N.C.O.'s.

24 A I am sorry; I did not know you referred to
25 the death of General TASHIRO. You referred to him

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1 as Commander TASHIRO, which threw me off. I was
2 informed of the death of General TASHIRO.

3 Q Do you know that he died as a result of an
4 illness?

5 A I have heard that report from so many
6 sources that I can answer yes.

7 Q Mr. Witness, are you familiar with the
8 Lanfang Incident?

9 A I am not familiar with the Lanfang Inci-
10 dent.

11 Q To refresh your memory, I shall give you
12 a brief explanation.

13 The Japanese Army communications wires
14 were destroyed. Therefore, Japanese troops, with
15 the understanding of the Chinese, went to that spot
16 to repair these wires; and the fact I want to point
17 out to you is that after the repair work had been
18 completed and the Japanese repair party was resting
19 they were surrounded and attacked by Chinese troops.

20 Are you not familiar with this Incident?

21 A May I ask on what date this Incident is
22 reported to have occurred?

23 Q The Incident occurred on the 25th.

24 A I was aware that on or around the 25th of
25 July clashes had occurred between Japanese and

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1 Chinese troops at various points between Tientsin
2 and Peiping. Among those points, I remember hearing,
3 that a clash had occurred at Lanfang. The circum-
4 stances of that clash were not reported to me in
5 detail at that time, and I did know under what cir-
6 cumstances the clash was supposed to have occurred.

1 Q Then, are you familiar with the Kuang-An Men
2 Incident?

3 A Not from first-hand knowledge.

4 Q Well, even if you have no first-hand
5 knowledge of the Incident I presume that you have
6 received quite a number of reports from various
7 sources on that matter.

8 A I did receive various reports concerning the
9 Kuang-An Men Incident. At the time the Incident
10 occurred, I was attending a social function and was
11 not present in the immediate vicinity of where the
12 clash occurred. It was, however, naturally an
13 occurrence in which I was very much interested and
14 I did the best I could to ascertain the facts of the
15 Incident.

16 Q What kind of an investigation did you
17 conduct in reference to that Incident?

18 A I conducted the kind of an investigation
19 which would formally be carried out by an assistant
20 military attache, which was to question as many
21 people as we could who knew something about the
22 Incident.

23 Q Did you hear anything from the Japanese
24 with regard to that Incident?

25 A Yes, sir.

1 Q From whom and what kind of information
2 did you receive?

3 A I received an account of how the Incident
4 occurred from Mr. OKAGI.

5 Q Can you speak, say, something more concrete,
6 more detailed, about this Mr. OKAGI of whom you
7 speak?

8 A As I have said, Mr. OKAGI acted as a
9 liaison officer between the Office of the Military
10 Attache and the Commander of the Peiping Japanese
11 Garrison, and between the Office of the Japanese
12 Military Attache in Peiping. I am -- As I said
13 before, I do not know whether he held an official
14 position with the Japanese Army, or acted more or
15 less unofficially in this capacity. He did, however --

16 THE MONITOR: Just a minute, please.

17 Q What kind of a thing did you hear from
18 OKAGI? What was its nature?

19 A I was not given an opportunity to finish
20 the statement that I was making at the time the red
21 light went on.

22 Q Please continue, Mr. Witness.

23 A Mr. OKAGI on a number of occasions acted
24 as an interpreter when officers of the Japanese
25 Garrison or from the Military Attache's Office had

1 occasion to visit our office, and when we had
2 occasion to visit the corresponding Japanese
3 officers.

4 THE PRESIDENT: Was he quartered with the
5 Japanese Army or Consulate?

6 THE WITNESS: To the best of my knowledge --
7 Sir, may I answer your question?

8 THE PRESIDENT: Yes, you may now.

9 THE WITNESS: As far as I know, Mr. OKAGI
10 was not an officer on active duty with the Japanese
11 Army at that time.

12 THE PRESIDENT: As he was your informant
13 on a vitally important matter, we should know as
14 much about him as you can tell us, Colonel.

15 THE WITNESS: As I said, sir, on occasions
16 when we were visited by Japanese officers, sometimes
17 very high-ranking Japanese officers, and when we
18 had occasion to make visits on official business, Mr.
19 OKAGI frequently acted as interpreter. He also
20 acted as a liaison officer between our office and
21 various organs of the Japanese Army in Peiping and
22 we understood that he had on occasion status as a
23 liaison officer.

24 THE PRESIDENT: On behalf of the Japanese
25 authorities; is that so?

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1 A Yes.

2 BY MR. KANZAKI (Continued):

3 Q What did this liaison officer, called
4 OKAGI, tell you about the Kuang-An Men Incident?

5 A Mr. OKAGI stated that a Japanese detach-
6 ment, riding in trucks, was passing through the
7 Kuang-An Men during the late afternoon of the date
8 on which the Incident occurred. While the detach-
9 ment was passing through the gate, a clash occurred
10 between Japanese forces and Chinese forces in or
11 around the gate. When I say "in the gate" I mean
12 on the walls surrounding the **enceinto** or bulge
13 which existed between the outer and inner gate of
14 the Kuang-An Men.

15 THE MONITOR: Could you spell out that
16 Chinese word you referred to, Mr. Witness?

17 THE WITNESS: I don't know which word. I
18 didn't use any Chinese word except the name of the
19 gate.

20 THE MONITOR: You used some technical
21 term, did you not, with reference to the gate?

22 THE WITNESS: What I meant was, as I said,
23 the open space or bulge between the outer and the
24 inner gate of the Kuang-An Men; and the term which I
25 used was a French word which means bulge or

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1 protuberance.

2 THE MONITOR: Thank you.

3 THE WITNESS: Actually what it means: It
4 means a woman who is carrying a child in her stomach.

5 BY MR. KANZAKI (Continued):

6 Q Then, do you not know how the clash occurred
7 at Kuang-An Men?

8 A Actually I was very desirous of knowing the
9 circumstances under which the clash had occurred.
10 I did my best to ascertain these facts, not only
11 from Mr. OKAGI but from other sources. As was to be
12 expected, I heard conflicting reports as to the cause
13 of the clash. The report from Mr. OKAGI was that
14 Chinese forces had either opened fire with small
15 arms, or thrown a hand grenade at the Japanese
16 forces while they were passing through the gate. The
17 report from other sources, however, was to the effect
18 that it was the Japanese who had opened -- who had
19 started the hostilities. Therefore, I am unable
20 to state from any first-hand knowledge as to just
21 who started the Incident at the Kuang-An Men.

22 Q Do you know from information you gathered
23 in connection with the Kuang-An Men Incident that
24 the Japanese detachment was cut in half when the
25 gates -- the doors of the gates were closed and after

1 half of the Japanese troops had gone inside the
2 wall with the other half remaining outside?

3 A I had been informed that the Japanese
4 detachment was, in fact, so separated into at least
5 two parts. I did not hear that the gates were
6 closed. It was natural, however, that in passing
7 through a gate of the sort -- of that sort, that the
8 detachment was, in effect, split into one or more
9 parts.

10 Q Did you not arrive at any conclusion as
11 to which side opened hostilities after collecting
12 such information?

13 A Inasmuch as I was not an eye witness to
14 the Incident, nor was I able to question any witnesses
15 whom I considered unprejudiced on the subject, I
16 was not able to form a definite conclusion as to
17 who started the Incident.

18 THE PRESIDENT: We will recess for fifteen
19 minutes.

20 (Whereupon, at 1045, a recess
21 was taken until 1100, after which the
22 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Yes, counsel.

4 BY MR. KANZAKI (Continued):

5 Q Mr. Witness, did you gather information from
6 parties other than Mr. OKAGI?

7 THE MONITOR: Japanese other than OKAGI.

8 A If so I cannot remember at this time who
9 they were.

10 Q Have you ever had occasion to visit Japanese
11 Army headquarters to ascertain the facts?

12 A I did not visit the Japanese Army headquarters
13 for the purpose of ascertaining the facts about the
14 Kuang-An Men Incident.

15 Q Not only the Kuang-An Men Incident, but with
16 regard to other incidents, have you ever had occasion
17 to go to the Japanese Army headquarters?

18 A I had occasion to visit the Japanese Army
19 headquarters in the course of my duties very frequently
20 from time to time. I cannot remember any occasion when
21 I went there for the specific purpose of investigating
22 any other incidents other than -- any incidents in
23 connection with the Lukouchiao affair.

24 Q According to your affidavit, you state that
25 the Chinese troops were peaceful. Now, what aspects

1 of the Chinese troops do you base that judgment on?

2 A May I ask to what particular time you are
3 referring?

4 Q I shall quote the pertinent passage in your
5 affidavit. It begins at the bottom of page 1 in
6 the English text.

7 "I further stated that I believed the inci-
8 dent could easily be settled if the Japanese really
9 so desired, as I had observed absolutely no signs of
10 any aggressive attitude on the part of the Chinese."

11 A I said that the actions of the Chinese troops
12 at this particular time were peaceful because they
13 were behaving in what is commonly accepted as a peace-
14 ful manner. In other words, they had assumed or taken
15 up no dispositions which would have enabled them to
16 assume any offensive attitude.

17 THE PRESIDENT: You were at pains to have
18 his opinions excluded, and now you are equally at
19 pains to have them extracted from him.

20 MR. KANZAKI: I am sorry, sir.

21 Q Do you know, Mr. Witness, of the fact that
22 on the 27th of July, the day following the Kuang-An Men
23 Incident, the Japanese sent an ultimatum to the
24 Chinese?

25 A I have heard it so stated.

BARRETT

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1 Q You state in your affidavit, Mr. Witness,
2 that about July 31 you went or visited the Nanyuan
3 Airfield.

4 A That is correct.

5 Q And you state that there were dead bodies of
6 Chinese troops lying around there. Did you see them
7 yourself, with your own eyes?

8 A I saw many dead bodies of Chinese troops on
9 the road leading from the south gate of the city of
10 Peking to the Nanyuan Airfield.

11 Q And you mention that they bore identification
12 badges. What kind of identification badges did they
13 have?

14 A They wore the usual identification badge
15 which is worn by troops of the Chinese Army.

16 THE PRESIDENT: Is that a metal disk, or
17 something on the tunic?

18 THE WITNESS: As I remember it was a cloth
19 patch sewed on the outside of the uniform.

20 THE PRESIDENT: There has been debate about
21 that previously, and I think you are the first witness
22 to give evidence on it.

23 Q Now, you said that they were cloth identifi-
24 cations. Did they bear these on their sleeves or on
25 their breast, and what was written on them?

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1 A As I remember it, they were worn on the
2 left breast above the pocket.

3 THE PRESIDENT: Did the unit and the number
4 appear?

5 THE WITNESS: To the best of my knowledge and
6 belief, the unit and number appeared on the patch.

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1 Q Was there a vermilion seal affixed to
2 this identification?

3 A I cannot remember whether there was a
4 seal affixed or not. Usually, there is such a seal
5 affixed to the Chinese identification badges, but
6 in this particular case I am not able to state.

7 Q You say that you saw several hundred dead
8 bodies. Did all these dead bodies bear identifica-
9 tion badges?

10 A I did not check to see.

11 Q I asked you that question because you
12 state in your affidavit that there were several
13 hundred dead bodies that you saw. But those --
14 the dead bodies you saw bore identification marks,
15 badges; is that so?

16 A I did not check a very considerable number
17 of the dead bodies to ascertain whether or not they
18 were wearing identification badges.

19 Q I am not asking you whether all these
20 dead bodies had identification badges, but did the
21 dead bodies that you saw have them? That is what
22 I am asking.

23 A As I stated, I saw and estimated several
24 hundred dead bodies. I am not able to state that
25 all these dead bodies wore identification badges.

BARRETT

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1 Q Were there any in plain clothes among
2 the dead bodies, dead bodies not wearing uniform?

3 A No.

4 Q Do Chinese troops usually wear identifi-
5 cation badges?

6 A At that time it was the custom.

7 Q According to your affidavit you state
8 that the Japanese troops attacked Nanyuan from
9 the south on July 28?

10 A Yes, sir.

11 Q And you state that you saw troops with-
12 drawing in the direction of Peiping, and you say
13 that they hardly had any will to fight; is that so?

14 A As I remember my affidavit, I did not say
15 that these troops had no will to fight. I testi-
16 fied that the troops that I saw inside of the wall
17 of Peiping a day or two previous to the occasion
18 on which I visited Nanyuan showed no evidence of
19 having been engaged in battle. I also stated that
20 the troops -- that something appeared to have
21 happened to the troops which had disrupted their
22 normal military organization.

23 Q Then I will read this pertinent part in
24 your affidavit:

25 "On the morning of 28 July, I observed

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1 Japanese planes attacking an area to the south
2 of the city of Peiping. I estimated this area to
3 be the Nanyuan Airfield, about ten miles south of
4 the city. Later in the day, I observed Chinese
5 infantry straggling in to the city along the
6 street which runs to one of the gates leading to
7 the Nanyuan Airfield. These troops did not
8 appear to have been engaged in combat, but some-
9 thing had evidently occurred which had disrupted
10 their normal military organization."

11 THE INTERPRETER: If the Tribunal please,
12 there is a slight difference in the Japanese and
13 English texts in respect of this particular pas-
14 sage.

15 THE PRESIDENT: We will refer it to the
16 Language Section for immediate attention. Will
17 you please state the difference so that the Lan-
18 guage Section will appreciate what you are saying?

19 THE INTERPRETER: Mr. President, the
20 last observation was made by the Language Section
21 and not by defense counsel -- the difference in the
22 Japanese and English texts.

23 THE PRESIDENT: We refer it to Major
24 Moore for immediate attention.

25 Proceed with something else.

1 MR. KANZAKI: I shall, sir.

2 Q You are aware of the fact, Mr. Witness,
3 are you not, that Nanyuan was attacked on July 28?
4 Were not the troops which were withdrawing
5 within the walls of Peiping troops which had been
6 defeated in the field?

7 A The troops appeared to me not to have
8 been engaged in action.

9 Q Do you not know that there was fighting
10 in Nanyuan on July 28?

11 A I knew that there had been fighting in
12 Nanyuan on July 28.

13 THE PRESIDENT: He says so and observed
14 a plane attacked there on that day.
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1 Q Do you mean to say that soldiers, Chinese
2 troops, which appeared to be withdrawing from Nanyuan
3 into the walls of Peiping appeared in that condition?

4 THE PRESIDENT: Well, now, what he says
5 appears clearly in his affidavit. Why get him to
6 repeat it? It is so senseless. It is a stupid waste
7 of time.

8 You haven't read his affidavit; if you have,
9 you have forgotten what is in there.

10 MR. KANZAKI: That concludes my examination.

11 One of my colleagues would like to have
12 questions addressed to the witness through me.

13 Q In your affidavit you state that Chinese and
14 Japanese troops clashed during a maneuver. Did you
15 not know the Japanese carried only blank cartridges?

16 A I know that ball ammunition was fired in the
17 course of the clash.

18 Q Do you know that during the maneuvers the
19 Japanese troops had only blank cartridges?

20 A I have no firsthand knowledge of what ammuni-
21 tion was carried in the field in the usual course of
22 Japanese maneuvers.

23 THE PRESIDENT: When you were making your in-
24 vestigations, did anybody, Japanese or other, suggest
25 to you that blank cartridges were used in maneuvers on

1 the night of the 7th of July?

2 THE WITNESS: No, sir.

3 Mr. President, you said blank ammunition?

4 THE PRESIDENT: Blank.

5 THE WITNESS: Yes. Nobody suggested that
6 blank ammunition had been used.

7 Q Do you not know that there were many com-
8 munist troops mixed into the 29th Army?

9 A I had no knowledge to that effect.

10 Q Then you have no knowledge of the relationship
11 between the Communist Army and the 29th Army in North
12 China?

13 A May I ask, relationship in what respect?

14 MR. TAVENNER: If your Honor please, that is a
15 matter entirely beyond the scope of the affidavit, and
16 we object to it.

17 THE PRESIDENT: Yes. What have you to say,
18 Counsel?

19 MR. KANZAKI: After looking through various
20 evidence we have come to the conclusion that the
21 communists had much to do with the origin of the clash
22 between Japanese and Chinese troops, and, therefore, I
23 have asked this question of the witness because he
24 has lived in North China for a long time and has engaged
25 in various investigations, military and otherwise, and,

therefore, should have knowledge of such matters.

1 THE PRESIDENT: I suppose you mean after
2 looking through the evidence that you propose to
3 offer.

4 Did you find any evidence of communist activity
5 behind this trouble in the course of your investigations?

6 THE WITNESS: None whatsoever, sir.

7 THE PRESIDENT: That ought to be enough.

8 Q You said you saw dead bodies of Japanese
9 troops when you visited Wanpinghsien. Did you not see
10 any dead bodies of Chinese troops there?

11 A I did see dead bodies of Chinese troops.

12 Q In your affidavit you state: "I then walked
13 around the northeast corner of the city wall to the
14 Peking-Hankow Railway at a point approximately due
15 north of the city. There I found a battalion of
16 Japanese infantry assembled along the north side of
17 the railway. A few sentries were posted along the
18 top of the railway embankment observing the city of Wan-
19 ping to the south. I observed one or two dead Japanese
20 soldiers lying near the railway embankment."

22 You do not mention dead bodies of Chinese
23 soldiers. Did you see any of them there?

24 A The dead Chinese soldiers that I observed
25 were near the West Gate of Wanpinghsien.

BARRETT

CROSS

1 Q I should like to ask again, Mr. Witness,
2 what was your rank at that time?

3 A My rank at that time was major.

4 MR. KANZAKI: Thank you.

5 MR. TAVENNER: If the Tribunal please, there
6 will be no redirect examination.

7 THE PRESIDENT: Well, we had better have this
8 translation problem solved.

9 LANGUAGE ARBITER (Major Moore): Mr. President.
10 If the Tribunal please, there seems to be no mistake
11 in the translation. It is suggested that the inter-
12 preter was referring in the English to a different
13 paragraph.

14 THE PRESIDENT: That is sufficient. Thank you,
15 Major. It is very easy to mistake a paragraph.

16 Well, the witness is no longer required.

17 You are at liberty now, Colonel, on the usual
18 terms.

19 (Whereupon, the witness was excused.)

20 MR. G. WILLIAMS: The defense calls as its next
21 witness NAKAMURA, Tatsuji.
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NAKAMURA

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1 T A T S U J I N A K A M U R A, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

DIRECT EXAMINATION

BY MR. G. WILLIAMS:

5 Q Would the witness tell the Tribunal his
6 name and residence, please?

7 A My name, NAKAMURA, Tatsuji. My address:
8 Tokyo to, Kami-Kyoku, Sendagi cho, 50-12, c/o MINAKAMI,
9 Takeshi.

10 Q What is your present occupation, if any?

11 A I work in a business office.

12 MR. G. WILLIAMS: May the witness be handed
13 defense document No. 1341, please?

14 Q Would you examine that document and tell
15 the Tribunal whether or not that is your affidavit?

16 A This is my affidavit.

17 Q Are the contents thereof true and correct?

18 A True and correct.

19 MR. G. WILLIAMS: The defense offers in
20 evidence defense document No. 1341, the affidavit
21 of the witness NAKAMURA, Tatsuji.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document No. 1341
24 will receive exhibit No. 2574.
25

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2574 and received in evidence.)

4 THE PRESIDENT: The Judges have no copies
5 except those handed to them some weeks ago. Did the
6 page distribute copies?

7 MR. G. WILLIAMS: If the Tribunal please,
8 this affidavit is very short.

9 THE PRESIDENT: Yes, it is only a paragraph
10 or two.

11 I have a copy but my colleagues have not.
12 You will have to get copies for all the Judges.
13 Apparently my associate was told that this was going
14 to be used today.

15 What is the exhibit number?

16 MR. G. WILLIAMS: 2574, sir.

17 THE PRESIDENT: I invite you to read it.
18 It is only a short affidavit.

19 MR. G. WILLIAMS: Sworn deposition of
20 NAKAMURA, Tatsuji:

21 "From November 1, 1938 till January 9, 1940
22 I was a staff officer of the China Area Fleet and was
23 the officer in charge of the movements of the warships
24 of the same Fleet.

25 "Hence I have full information on the

NAKAMURA

DIRECT

1 movements of the ships of that Fleet.

2 "Prosecution document No. 9550-1 claims
3 that two Japanese destroyers were despatched to the
4 Indian Ocean in December 1939 to receive a cargo of
5 Shanghai-bound Persian opium, but during my term of
6 office there were no instances whatsoever of destroyers
7 attached to the China Area Fleet operating in the
8 Indian Ocean.

9 "Further, there were absolutely no cases
10 of destroyers escorting cargo-boats in that area in
11 that period of time nor of destroyers receiving freight
12 from cargo-boats and transporting same."

13 Signed "NAKAMURA, Tatsuji."

14 If the Tribunal please, the reference in
15 this deposition to prosecution document No. 9550 is
16 the same as exhibit No. 427. If the Tribunal desires
17 I shall read the sentence from that exhibit which this
18 testimony refutes.

19 THE PRESIDENT: There is no need to do so.

20 MR. G. WILLIAMS: Very well, sir.

21 THE PRESIDENT: Is there any cross-examination?

22 MR. G. WILLIAMS: The prosecution may
23 cross-examine.

24 THE PRESIDENT: Brigadier Quilliam.

25 BRIGADIER QUILLIAM: May it please the

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1 Tribunal, the prosecution does not wish to cross-
2 examine.

3 MR. G. WILLIAMS: I ask that the witness
4 be released on the usual terms, your Honor.

5 THE PRESIDENT: He is released accordingly.
6 (Whereupon, the witness was excused.)

7 MR. G. WILLIAMS: The defense calls as its
8 next witness MORI, Tokuji.

9
10 T O K U J I M O R I, called as a witness on behalf
11 of the defense, being first duly sworn, testified
12 through Japanese interpreters as follows:

13 DIRECT EXAMINATION

14 BY MR. G. WILLIAMS:

15 Q Will the witness tell the Tribunal his
16 name and residence, please?

17 A My name is MORI, Tokuji. My address: No.
18 No. 421 Honan-cho, Suginami-ku, Tokyo.

19 Q Will you tell the Tribunal your present
20 occupation, if any?

21 A Director of the shipping company and also
22 director of the Oshima Industrial Company, Limited.

23 MR. G. WILLIAMS: May the witness be shown
24 defense document No. 1340, please.

25 Q Will you examine that document and tell the

1 Tribunal whether or not it is your affidavit?

2 THE INTERPRETER: It appears that the witness
3 is reading the affidavit. The passage he read was:
4 "From October 22, 1934 till March 1936 I was senior
5 staff officer of the 3d Fleet and participated in
6 the movements of warships of that fleet."

7 THE PRESIDENT: Witness, you are asked to
8 say whether the contents of that affidavit are true.

9 THE WITNESS: The contents are true.

10 MR. G. WILLIAMS: Defense offers in evidence
11 defense document No. 1340, being the affidavit of the
12 witness MORI, Tokuji.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document
15 No. 1340 will receive exhibit No. 2575.

16 (Whereupon, the document above
17 referred to was marked defense exhibit No. 2575
18 and received in evidence.)

19 MR. G. WILLIAMS: I shall proceed with the
20 reading of the affidavit.

21 "From October 22, 1934 till March 1936 I
22 was senior staff officer of the 3d Fleet and partici-
23 pated in the movements of warships of that fleet.

24 "At the time, Japanese gunboats capable of
25 making ocean trips were only three, the Ataka, Saga

MORI

DIRECT

1 and Uji, all three attached to the 3d Fleet.

2 "The locations of the above three warships
3 around November 1934 were: Ataka in the Yangtze
4 area, the Saga in the Swatow area and the Uji in
5 home waters.

6 "Consequently, in the above period no
7 transportation of opium by Japanese gunboats could
8 have been possible as claimed in prosecution documents
9 No. 9507-3. Further there were no instances of guar-
10 antee of transportation or delivery being given.

11 "If such incidents had taken place, I as
12 senior staff officer would have heard all about them,
13 but I never heard of such instances.

14 "Further, I never encountered such cases
15 throughout my term of office as senior staff officer
16 of the same Fleet."

17 Signed "MORI, Tokuji."

18 Prosecution may cross-examine the witness.

19 BRIGADIER QUILLIAM: May it please the
20 Tribunal, we do not wish to cross-examine.

21 THE PRESIDENT: It has just been reported to
22 me--I have not the details--that the defense are
23 refusing to produce a certain document to the Tribunal.
24 The document relates to the Russian phase. The defense
25 can look into the matter.

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1 The witness is excused.

2 (Whereupon, the witness was excused.)

3 We will adjourn until half-past one.

4 (Whereupon, at 1200, a recess was
5 taken.)

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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at
3 1335.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now in session.

6 THE PRESIDENT: Major Blakeney.

7 MR. BLAKENEY: Just prior to the midday
8 recess the President made a statement relative to
9 documents in the Soviet phase of the defense. Since
10 I have to do in a small way with that phase, I wish
11 to say a word or two in response.

12 From what source the Tribunal received its
13 information or of what it consists, we do not know.
14 The matter had not been previously mentioned to the
15 defense.
16

17 THE PRESIDENT: I understand now it refers
18 to the opening statement. At least one Member of the
19 Tribunal is apprehensive that the opening statement
20 may be used as a means of hurling Japanese insults
21 at the victorious Allied Powers instead of being a
22 sober statement of the evidence proposed to be ad-
23 duced.

24 MR. BLAKENEY: I am charged with the task of
25 presenting some of the evidence and preparing the

1 corresponding portion of the opening statement in
2 that phase; and, if the Tribunal's observations refer
3 to me, I want it to be understood that I resent them
4 most bitterly.

5 THE PRESIDENT: None of us had you in mind,
6 Major Blakeney.

7 MR. BLAKENEY: And I daresay that, if the
8 other gentlemen working on the other parts of the
9 statement had their say, they would make the same
10 statement.

11 As to the withholding of a document, on one
12 or more occasions in the past the opening statements
13 of the prosecution were not served on the Tribunal
14 or defense counsel until immediately before or, in
15 one instance, after the reading of them in open
16 court commenced. On that last occasion, in answer
17 to the objections and protests of the defense, the
18 President stated that the Tribunal had not the power
19 to compel nor did the rules require advance service
20 of opening statements.

21 For my part, I submit that the statement
22 should be prepared and presented in the usual way
23 and, if it then offends against the proprieties or
24 the rules of the Tribunal, that I should be punished
25 for contempt for my part in it, but that the defense

1 be not subjected as a body to the obloquy of having
2 made in open court accusations, inuendoes, which we
3 have no way of defending ourselves against.

4 THE PRESIDENT: The requirement is mutual.
5 The defense have obligations not to insult the
6 Allied Powers; the Court has an obligation to re-
7 spect the feelings of the defense. The Tribunal
8 adheres to the decision on opening statements.

9 Yes, counsellor.

10 MR. KANZAKI: I should like to call the
11 defense witness KAWAMOTO, Yoshitaro.

12 - - -

13 Y O S H I T A R O K A W A M O T O, called as a
14 witness on behalf of the defense, being first
15 duly sworn, testified through Japanese inter-
16 preters as follows:

17 DIRECT EXAMINATION

18 BY MR. KANZAKI:

19 Q Mr. Witness, please state your name, age
20 and address.

21 A KAWAMOTO, Yoshitaro; fifty years of age;
22 my residence, 2234, Omachi Nagoshi, Kamakura.

23 MR. KANZAKI: May the witness be shown de-
24 fense document 1004?

25 (Whereupon, a document was handed

KAWAMOTO

DIRECT

1 to the witness.)

2 Q Mr. Witness, please examine that document.
3 Is that document made by you, and is your signature
4 on that document?

5 A Yes.

6 Q Are the contents true and correct?

7 A Yes.

8 MR. KANZAKI: I present in evidence defense
9 document No. 1004, affidavit of KAWAMOTO, Yoshitaro.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document No.
12 1004 will receive exhibit No. 2576.

13 (Whereupon, the document above re-
14 ferred to was marked defense exhibit No.
15 2576 and received in evidence.)

16 MR. KANZAKI: I shall read the Court exhibit
17 No. 2576, omitting the last paragraph -- paragraph
18 eight.

19 Sworn deposition of KAWAMOTO, Yoshitaro:

20 "I was born on the 15th of June of the 31st
21 Year of Meiji (1898) at 113, Teppochō, Hiroshima City,
22 which was my permanent address, and now live at 2234,
23 Omachi Nagoshi, Kamakura City.

24 "The outline of my personal history is as
25 follows:

1 "December, the 8th Year of Taisho (1919), Ap-
2 pointed Sub-lieutenant;

3 "April, the 7th Year of Showa (1932), A member
4 of the General Staff;

5 "December, the 12th Year of Showa (1937), A
6 member of the War Service Section of the War Ministry;

7 "December in the 14th Year of Showa (1939),
8 Investigator of the China Affairs Board.

9 "July in the 15th Year of Showa (1940), Attache
10 (Major-General) to the North China Expeditionary
11 Commander;

12 "Until the end of the War.

13 "As I was a member of the War Service Sec-
14 tion of the War Ministry and in charge of China
15 relations affairs, I shall state on the establish-
16 ment of the North China Exploitation Company as fol-
17 lows:

18 "The scheme for establishing the said Com-
19 pany was commenced from December of the 12th Year
20 of Showa (1937), and the reason for it was as fol-
21 lows:

22 "The areas occupied by the Japanese troops
23 in North China at that time were very narrow, ranging
24 from Kalgan and Tatung in the north to Tsinan on
25 Tientsin-Pukow Railway and near Shihchiachwang on

KAWAMOTO

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1 the Peiping-Hankow Railway in the south. Due to
2 the scorched earth policy of the Chinese troops, the
3 railways in the above areas were destroyed from
4 their bridges, railroads and engine-sheds up to
5 repair shops, etc., and goods to be transported by
6 the railways were taken away to the hinterland and
7 were not available for use. Peace and order was
8 good, in so far as Peiping, Tientsin and other
9 places on railway lines connecting principal cities
10 and towns are concerned, but those in localities far
11 from these lines were in totally confused condition,
12 and all industries other than agriculture came to
13 a standstill, in consequence of which the people
14 lost their livelihood, and there were no ways or
15 means to sell even agricultural products, and the
16 inhabitants were groaning under the difficulties of
17 living. Under these circumstances it was earnestly
18 desired that, in order to promote national prosper-
19 ity, various industries should be reconstructed,
20 communication conditions restored and resources of
21 iron, coal, etc., which had been left unexploited
22 should be exploited. At this juncture, in December
23 of the 12th year of Showa (1937) the Commander of
24 the North China Garrison Army informed the War
25 Ministry of the importance of establishing a company

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1 to exploit important industries in North China, and
2 sent to the Government data necessary for the estab-
3 lishment of the company. After discussion before the
4 Cabinet, the matter obtained the approval of the
5 Imperial Diet in March of the 13th Year of Showa
6 (1938), and the company was established towards the
7 end of the same year.

8 "The principal object of the establishment
9 of this Company was economical coalition forming
10 the keynote to the co-existence and co-prosperity
11 of China and Japan. In this connection, Japan sup-
12 plied skill and capital, and China resources, capi-
13 tal and labour, managing thereby in cooperation.
14 The profit obtained from the management of the
15 company was to be divided equally between China
16 and Japan, no share to Japan being over that of China.
17 The Company did not always aim at profit, but rather
18 was inclined to disregard deficits in the cause of
19 developing industry. Moreover, Japan did not aim
20 to obtain resources from China, and in planning any
21 industry, quantities necessary for both countries
22 were taken into consideration. On the other hand,
23 the expansion of railways and harbours as well as the
24 exploitation of important industries were aimed at
25 not only for Japanese benefit, but also for the

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reconstruction of Chinese production and the promo-
tion of public welfare.

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1 "With regard to the management of this Company,
2 too, the following were taken into account, in order
3 to promote the welfare of China and Japan:

4 "a) Haphazard control of important industries
5 and enterprises was avoided, in order that they might
6 be controlled by the Company;

7 "b) The Company was not put under the control
8 of the Japanese Government, but left to private enter-
9 prises, thereby aiming at the cooperation of China
10 and Japan; and the intrusion into NorthChina of Manchukuoan
11 enterprises was prevented;

12 "c) The subscription to the Company's shares
13 was made 50% each for the government and for the people,
14 and those for the latter were offered to the whole
15 nation, in order that they might not be monopolized by
16 special plutocrats;

17 "d) Each business run by the subsidiaries
18 of this Company was put under joint management of China
19 and Japan and the Presidents and other directors of
20 the subsidiaries could be either Chinese or Japanese.
21 On the other hand the participation of Chinese capital
22 was generally desired and a principle of equal per-
23 centage of shares between China and Japan was adopted;

24 "e) Businesses which could be run by this
25 Company were limited in their items and scope, in order

KAWAMOTO

DIRECT

1 to avoid oppressing Chinese private enterprises;

2 "f) As many Chinese as possible were employed
3 by the companies concerned, in order to relieve the
4 Chinese unemployment and to prevent monopolized manage-
5 ment by Japanese.

6 "According to the demand and supply planning
7 of the Planning Board, with regard to Japanese,
8 Manchoukuo and Chinese goods at the time of the estab-
9 lishment of this Company (1938), the export to Japan
10 of iron ores from NorthChina in the 14th, 15th and 16th
11 Year of Showa (1939, 1940 and 1941) was under 50% of
12 the total production in NorthChina, and there was still
13 surplus even after meeting all the demand there, and
14 the export to Japan of coal was also less than 50% of
15 the whole production in North China, and the remainder
16 could satisfy the demand of North and middle China. It
17 is therefore evident that the project of the Japanese
18 Government did not aim at the establishment of this
19 Company with the object of exporting to Japan all the
20 iron and all other products of North China.

21 "As far as salt and other goods are concerned
22 the halving principle between China and Japan was
23 adopted, too, and the demand of both countries was
24 taken into consideration, in order that the demand of
25 Japan might not exceed that of China.

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1 "Thus, Japan imported iron, coal and other
2 goods from China to such an extent that the Chinese
3 demand of those goods was not interfered with, but in
4 turn exported to China large amounts of goods rather
5 in excess. In other words, Japan not only developed
6 the Chinese basic industries and reconstructed and
7 expanded Chinese railways and harbours, etc., always
8 taking into consideration the permanent welfare of
9 China, but also supplied to China enormous amount of
10 capital and skill, as well as many cheap goods, rather
11 sacrificing the internal demand of Japan. It was a
12 great benefit towards the Chinese people that employ-
13 ment was given to the people in NorthChina who had
14 been suffering from war."

15 The prosecution may cross-examine.

16 THE PRESIDENT: Brigadier Quilliam.

17 BRIGADIER QUILLIAM: May it please the
18 Tribunal, we do not wish to cross-examine the witness.

19 MR. KANZAKI: May the witness be excused on
20 the usual terms, sir?

21 THE PRESIDENT: He is discharged on the usual
22 terms.

23 (Whereupon, the witness was excused.)

24 MR. KANZAKI: The defense wishes to call as
25 its next witness OIKAWA, Genshichi.

OIKAWA

DIRECT

1 MARSHAL OF THE COURT: Mr. President, the
2 witness OIKAWA is in Court and has appeared previously
3 before this Tribunal.

4 THE PRESIDENT: You are still on your former
5 oath.

6 G E N S H I C H I O I K A W A, recalled as a
7 witness on behalf of the defense, testified
8 through Japanese interpreters as follows:

9 DIRECT EXAMINATION

10 MR. KANZAKI: May the witness be shown
11 defense document No. 1324?

12 THE PRESIDENT: I understand the Clerk of
13 the Court has gone out to see whether the document has
14 been served. He thinks it has not been.

15 MR. KANZAKI: I was assured this morning that
16 this document had been served, but it seems not to
17 have been served and I am sorry for that.

18 THE PRESIDENT: It may have been. I cannot
19 say yet until the clerk reports.

20 MR. KANZAKI: I am sorry, Mr. President, for
21 wasting the Court's valuable time.

22 THE PRESIDENT: Well, ask him his name and
23 address.

24 BY MR. KANZAKI:

25 Q State your name, age and address.

OIKAWA

DIRECT

1 A My address, No. 1181 Matsunoki, Suginami-ku,
2 Tokyo. My age, 59. My name, OIKAWA, Genshichi.

3 THE PRESIDENT: Well, I suppose the original
4 is with the clerk, is it? Or you suggest it is.

5 MR. KANZAKI: I checked up with the distribu-
6 tion section on the document this morning and they told
7 me they had been served. I also handed to the Clerk
8 of the Court the order of proof and told him that we
9 were going to proceed according to that order.

10 THE PRESIDENT: If you have the original
11 affidavit, the affidavit signed by the witness, you may
12 hand it to him.

13 MR. KANZAKI: That original had been trans-
14 mitted, or rather, submitted to the Secretariat already
15 and it isn't in my hands now.

16 THE PRESIDENT: You had better stand him down
17 and call another witness, if you have one.

18 (Whereupon, the witness was excused)

19
20 MR. KANZAKI: Then while this witness stands
21 down and we prepare the presentation of this witness,
22 I should like to transfer the procedure to Mr. ITO who
23 will call the witness NAKAYAMA, Yasuto.

24 THE PRESIDENT: Mr. ITO

25 MR. ITO: I shall call the witness NAKAYAMA,

1 Yasuto.

2 THE PRESIDENT: The Clerk of the Court has
3 returned. What have you to report, Mr. Mantz?

4 CLERK OF THE COURT: Yes, sir, I have the
5 documents.

6 THE PRESIDENT: You have the document and the
7 copies?

8 CLERK OF THE COURT: Yes, sir.

9 THE PRESIDENT: Recall the witness who has just
10 been stood down.

11 MARSHAL OF THE COURT: Mr. President, in the
12 confusion of witnesses called and recalled, it will
13 take a moment to get the correct witness back.

14 THE PRESIDENT: Well, better go ahead with
15 Mr. ITO's witness. Where is he? Mr. ITO, will you
16 come to the lectern?

17 MARSHAL OF THE COURT: Mr. President, the
18 witness NAKAYAMA, whom Mr. ITO wishes, is in Court
19 and will now be sworn.
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NAKAYAMA

DIRECT

1 Y A S U T O N A K A Y A M A, recalled as a witness
2 on behalf of the defense, having previously been
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: What is your name and address?

6 THE WITNESS: My name is NAKAYAMA, Yasuto. My
7 address, No. 537 Sekido, Tama-mura, Minami-tama-gun,
8 Tokyo.

9 DIRECT EXAMINATION

10 BY MR. ITO:

11 MR. ITO: May the witness be handed defense
12 document No. 1345?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Is that your affidavit?

16 A Yes, it is.

17 Q Do you require any corrections to be made as
18 to the statements made in that affidavit?

19 A Yes, I have one correction.

20 Q Where?

21 A In paragraph 16 of the affidavit it states
22 that General MATSUI received, on December 14, the
23 information concerning the capture of Nanking. This
24 should be corrected to read "December 13."

25 Q Is the rest of the statement true and correct?

A Yes.

1 THE PRESIDENT: Paragraph 16, I take it.

2 THE INTERPRETER: Paragraph 16, sir.

3 MR. ITO: I present in evidence defense docu-
4 ment No. 1345. I also present in evidence defense
5 document No. 1345 for the purpose of accounting for
6 the absence of the document referred to in the affidavit.
7

8 THE INTERPRETER: I present in evidence
9 defense document 1345-B for that purpose.

10 THE PRESIDENT: Admitted on the usual terms.

11 I suggest you tender defense document 1345.

12 Did you do so?

13 MR. ITO: Yes.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document
16 No. 1345 will receive exhibit No. 2577.

17 (Whereupon, the document above referred
18 to was marked defense exhibit No. 2577 and re-
19 ceived in evidence.)
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1 THE PRESIDENT: Now, I understand you desire
2 to tender a further document, being the document
3 referred to in what paragraph of the affidavit?

4 MR. ITO: Paragraph 11, 12, 13 and 18, sir.

5 THE PRESIDENT: Are those documents
6 accompanied by a certificate?

7 MR. ITO: Yes.

8 THE PRESIDENT: Well, you had better tender
9 the certificate also.

10 MR. ITO: Those certificates are embodied
11 in the defense document No. 1345-B, which I shall
12 present in evidence also.

13 THE PRESIDENT: It is admitted on the usual
14 terms.

15 CLERK OF THE COURT: Defense document
16 No. 1345-B will receive exhibit No. 2578.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 2578 and received in evidence.)

20 MR. ITO: I shall read Court exhibit No.
21 2578 -- 77.

22 THE PRESIDENT: We must check this as we
23 go along. I would like American counsel to give
24 more assistance to Japanese counsel in this matter.
25 That is mainly why American counsel are here.

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23 go along. I would like American counsel to give
24 more assistance to Japanese counsel in this matter.
25 That is mainly why American counsel are here.

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1 MR. ITO: As a matter of fact, Mr. President,
2 Mr. Mattice was to have read this document, but
3 because he is absent on official business, I am
4 replacing him.

5 THE PRESIDENT: We shall have to do our best.
6 Proceed to read the affidavit, exhibit 2577.

7 MR. ITO: Thank you, sir.

8 I commence reading with paragraph three:

9 "3. My rank at the time when I became a
10 staff member of the Central China Area Army was
11 major. I remained in that post from November 1937
12 to March 1938, and during that period of time I
13 was engaged in intelligence business.

14 "4. The Central China Area Army was organized
15 about November 5, 1937.

16 "In the neighbourhood of Shanghai and
17 Central China, the Shanghai Expeditionary Army which
18 had been organized in the middle of August 1937
19 was fighting the Chinese troops in order to protect
20 the Japanese residents in and around Shanghai.
21 However, the battles showed no advantageous progress
22 on the Japanese side because of the great strength
23 of the enemy and also for topographical reasons.
24 For this reason, the 10th Army (YANAGAWA Army Corps)
25 was newly organized and was landed on the north

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1 coast of Hangchow Bay in order to facilitate the
2 performance of the duty of the Expeditionary Forces.
3 The Central China Area Army was organized with the
4 duty of placing these two armies, namely the Shanghai
5 Expeditionary Forces and the 10th Army under unified
6 control.

7 "5. General MATSUI, Iwane was appointed
8 Commander of the Central China Area Army and also
9 held an additional post of the Commander of the
10 Shanghai Expeditionary Forces.

11 "The staff members of the Central Area
12 Army were:

13 "Chief of the Staff -- Osamu TSUKADA, Major
14 General

15 "Vice-Chief of the Staff -- Akira MUTO,
16 Colonel

17 "Other Staff Members -- Masatake KIMIHARA,
18 Lt. Colonel

19 "-- Yasuto NAKAYAMA, Major

20 "-- Yoshikiyo NINOMIYA, Major

21 "-- Takoshi YOSHIKAWA, Captain

22 "In addition to these mentioned above, there
23 was one staff officer of the Army Air Force, whose
24 name I have forgotten. Besides, there were three
25 adjutants. The total number of the members of the

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1 Staff Department was only seven. The names of
2 these above, however, I have completely forgotten.
3 The Central China Area Army Headquarters consisted
4 of only such personnel as were mentioned above. There
5 were no other organs and personnel.

6 "6. The Central China Area Army Commander
7 was ordered to carry out the duty as follows:

8 "'The Central China Area Army Commander
9 will place the Shanghai Expeditionary Army and the
10 10th Army under his unified control and will regiment
11 all supply works.'

12 "The chief duty was to adjust the concerted
13 actions of the two Armies. As for the practical use
14 and command of the troops, the Commander of the
15 Shanghai Expeditionary Army and the 10th Army was
16 considered to assume charge of them. Consequently,
17 in the Headquarters of the Shanghai Expeditionary
18 Army and that of the 10th Army, there were the perfect
19 establishment of the Ordnance, Finance, Medical and
20 Legal Affairs Departments in addition to Staff and
21 Adjutant Departments. In the Central China Area
22 Army Headquarters, however, such organs were not in
23 existence.

24 "7. In order to explain why the Central
25 China Area Army Headquarters were so imperfectly

1 organized, it is necessary to clarify the duties
2 allotted to each of the Shanghai Expeditionary Army
3 and the 10th Army.

4 "The duty of the Shanghai Expeditionary
5 Army was 'to procure the important lines of Shanghai
6 and its northern districts, and to protect the people
7 of the Empire.'

8 "The duty of the 10th Army was 'to land
9 on the north coast of Hangchow Bay and to facilitate
10 the work of the Shanghai Expeditionary Army.'

11 "Besides, the Imperial General Headquarters
12 decided the field of operations for the Central
13 China Area Army on the delta of the Yangtse in the
14 east of the line connecting Fushan, Suchow and
15 Chiahsing.

16 "The Central China Area Army was organized
17 only for the purpose of placing the two armies of
18 the above duties under unified control. It was
19 regarded, for this reason, quite unnecessary for this
20 Army to get its headquarters perfectly organized.
21 It is because this Army was established only for a
22 short time and its fighting area was quite narrow.

23 "We received such information that, after
24 retreated from Shanghai, Chinese troops concentrated
25 large forces around the Nanking district and they

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1 were in a position to make a counter-attack.

2 "On December 1, 1937 the following order
3 was issued from the Imperial General Headquarters:

4 "'The Central China Area Army will capture
5 Nanking in cooperation with the Navy.'

6 "Even after this order was issued, the
7 organization of the Central China Area Army Head-
8 quarters remained quite mechanized and it was engaged
9 solely in commanding operations as before.

10 "9. One day after he received the above
11 order, General MATSUI issued to both armies the orders
12 which were almost like the following:

13 "1. The Shanghai Expeditionary Army will
14 attack Nanking with its main strength from the area
15 along Wu Shih-Tanyang-Chujing Road.

16 "2. The 10th Army will attack Nanking from
17 the area along Huchou-Kuangte-Wuhu Road.

18 "3. The 101 Regiment Division will make
19 preparations for attacking Hangchow in the neighbour-
20 hood of Sungchiang.

21 "4. The 11th Division and the 1st Infantry
22 Brigade of the 3rd Division will assume charge of
23 maintaining the public peace in and around Shanghai.

24 "10. Until December 15, 1937, the Central
25 China Area Army Headquarters was located at the

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1 point about ten kilometers north of Shanghai,
2 but advanced to Suchow on the same day. At that
3 time, General MATSUI was sick in bed, but he disposed
4 of all important matters in his sick-bed.

5 "On December 7th, Prince ASAKA arrived at
6 the actual field as the Commander of the Shanghai
7 Expeditionary Army. General MATSUI was relieved
8 of the additional post he had held and, as a result,
9 he came to command the Central China Area Army
10 solely.

11 "11. After arriving at Suchow, General
12 MATSUI told General TSUKADA, Chief of the Staff,
13 'As Nanking is the capital of China, our capture
14 of it is an international event. Careful studies
15 must be made in this regard so as to dazzle China
16 even more greatly with Japan's military glory and
17 to have the Chinese people in general place a greater
18 confidence in Japan.' This instruction was conveyed
19 from the Chief of Staff to us staff officers. We
20 began to make our study quite immediately with
21 General MATSUI's principle in mind. As regards the
22 International Law and International Practices, we
23 consulted Dr. SAITO, Yoshio. Finally we made up
24 such an order of the following gist:

25 "1. The Central China Area Army intends

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1 to capture the Walled City of Nanking, the capital
2 of China.

3 "2. The Shanghai Expeditionary Army and
4 the 10th Army will capture the Walled City of
5 Nanking in accordance with 'The Way of Capturing
6 the Walled City of Nanking' written in another sheet
7 of paper.

8 "In Clause I of the draft order, there was
9 originally found the phrase 'The Capital of the
10 Enemy Nation'. However, Commander MATSUI corrected
11 it as 'The Capital of China', based upon his own
12 opinion that China as a whole was not our enemy,
13 but only some section of her countrymen were enemies.

14 "The Way of Capturing Nanking' referred
15 in Clause II meant the following matters:

16 "1. Both armies will stop and make prepar-
17 ations for the capture of the Walled City of Nanking
18 when they have advanced to the line three or four
19 kilometers off that city.

20 "2. On December 9th, written advice for
21 surrender will be scattered from airplanes among the
22 Chinese soldiers inside the Walled City of Nanking.

23 "3. In case the Chinese Army surrender,
24 two or three battalions selected from each division
25 and M.P. units alone will be sent into the Walled

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1 City of Nanking. There, they will be engaged in
2 guarding the zone which is shown on the map.
3 Especially foreign rights and interests and all
4 cultural institutions such as those which are
5 particularly shown in a separate paper are to be
6 perfectly protected.

7 "4. In case the Chinese Army does not
8 agree with our advice for surrender, an offensive
9 will be commenced in the afternoon of December 10th.
10 On this occasion, too, the Japanese units that will
11 enter the Walled City of Nanking must act in the
12 same way as above. Especially military discipline
13 and morale must be strictly maintained and public
14 order must be restored promptly. At the same time
15 as the above order was drawn up, the instruction
16 entitled 'All the Orders and Words of Advice Concerning
17 the Capture of and Entry into the Walled City of
18 Nanking' was composed. This was drafted in the
19 Staff Officers' Department so as to enable all the
20 armies to realize completely what General MATSUI
21 had intended.

22 "The gist of the above instruction was
23 as follows:

24 "1. The entire world has been paying its
25 sharp attention with the realization that the capture

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1 and entry into a foreign capital by the Imperial
2 Army is the event which is quite unprecedented in
3 the history of our country and will remain permanently
4 in books. In view of the above fact, all troops
5 should absolutely refrain from forcing their way
6 violently into the city, from fighting among themselves,
7 and from making any illegal acts.
8

9 "2. Military discipline and morale of
10 each unit should be most strictly maintained so that
11 both the Chinese soldiers and civilians may respect
12 the dignified manner of the Japanese troops and may
13 also plead allegiance to them. Thus, any such
14 acts as would dishonour the Japanese Army should
15 never be taken under any circumstances.

16 "3. You are never permitted to approach
17 any places for foreign rights and interests particularly
18 diplomatic organs which are illustrated in an annexed
19 sketched map. You should never enter any neutral
20 zones where diplomatic corps have been established
21 unless it is absolutely necessary to do so. Sentries
22 should be posted in all necessary points.

23 "Moreover, you are prohibited to enter the
24 tomb of Sun Yat Sen and the mausoleum of the Emperor
25 Hsiao of the Ming Chao Era and other resting places
of patriotic revolutionists which are situated outside

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1 of the Walled City of Nanking.

2 "4. Units to enter the Walled City should
3 be especially selected by the divisional commanders.
4 The words of advice for the capture of the Walled
5 City of Nanking, especially all the places of foreign
6 rights and interests inside the Wall, should be thor-
7 oughly given beforehand to all of them in order that
8 no mistakes may be made for any reason whatsoever.
9 If necessary, sentries should be posted.

10 "5. Severe punishment is to be given to
11 those who would plunder or who would cause a fire
12 to break out even because of their carelessness.

13 "A great number of military policemen as
14 well as assistant military policemen should be made
15 to enter the Walled City at the same time as troops
16 in order to prevent all unlawful acts.

17 "12. All findings about foreign rights
18 and interests are based upon the answers I received
19 from Consul Generals or consuls of various countries
20 in Shanghai whom I had inquired about them through
21 the hands of the Japanese Consul General there.
22 Thus, I draw all of them on a map in red ink for
23 clarifying matters.

24 "As for cultural institutions, these,
25 except the tomb of Sun Yat-Sen and the mausoleum

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1 of the Emperor Hslao of the Ming Era -- the locations
2 of which were clearly known, were investigated and
3 instructed to me by Japanese diplomatic organs.
4 In this way, I drew all such matters in maps quite
5 clearly so as to enable all Japanese to understand
6 them to the fullest extent.

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1 "13. All those orders, instructions and
2 maps referred above concerning the capture of Nank-
3 ing were carried and delivered on December 8 to the
4 Shanghai Expeditionary Army Headquarters by General
5 TSUKADA, Chief of the Staff, together with Lt.
6 Colonel KIMIHARA, a member of the Staff and myself.
7 Another staff officer was at the same time dispatched
8 to the 10th Army to enable the whole army to learn
9 perfectly the above matters. Notes of advice for
10 surrender to the Chinese Army inside the Wall were
11 scattered on December 9th by the air corps of Chu-
12 jung.

13 "At that time, General MATSUI was sick in
14 bed in Suchow, and Colonel MUTO, Vice Chief of the
15 Staff, was with him.

16 "After delivering the above-mentioned orders,
17 the Chief of Staff and all of us resided in TANG-shui-
18 chen.

19 "14. Until about 1 p. m., December 10th,
20 General TSUKADA, Chief of the Staff, and I had been
21 waiting outside the CHUNGSHAN Gate for the bearer of
22 the flag of truce from the Chinese Army. However,
23 he did not come at last. For that reason, from about
24 2 p. m., a general attack was commenced against Nank-
25 ing. Although the Chinese offered stubborn resis-

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1 tance behind the Wall, the Japanese Armies succeeded
2 in capturing the Wall of Nanking at about 12 p. m.
3 of December 12th. Fearing the armies might be thrown
4 into confusion, General TSUKADA, Chief of the Staff,
5 had his subordinate staff officers inform both armies
6 of their strict obedience to the above orders. Des-
7 pite this, the majority of the first line troops had
8 already entered the Wall before we could be aware of
9 it. I heard later that they were drawn into the Wall
10 before we could be aware of it. I heard later that
11 they were drawn into the Wall under the natural in-
12 fluence which came after the enemy's strong resis-
13 tance was broken down. It was also due to the fact
14 that the Japanese troops could not be quartered
15 because all barracks and schools outside the Wall
16 had been destructed or burnt by the Chinese Army or
17 the Chinese people. There was still another reason,
18 that there was very little water outside the Wall,
19 and even if there was some, it was not drinkable at
20 all, I was informed some time later.

21 "15. On December 13th, in order to ascer-
22 tain the fact concerning the capture of Nanking, I
23 entered Nanking City through Chungshan Gate. On
24 the 14th and 16th, I paid a visit to Nanking again
25 for making preparations for the formal entry of

1 General MATSUI. I proceeded along the main road
2 through Chungshan Gate to the National Government
3 Office first and then to the Capital Restaurant.

4 "The road I took was expected to be taken by
5 General MATSUI at the time of his entry into Nank-
6 ing. I witnessed on that road no dead bodies except
7 some sand bags which were scattered about near
8 Chungshan Gate. Near the airdrome inside the Wall,
9 that is to say, in the southern part of Nanking, I
10 caught a glimpse of some smoke which was rising up
11 there, but on the area in and around the Capital
12 Restaurant, namely, on the northern part of Nanking,
13 no great damage was inflicted. The National Govern-
14 ment had had no damage at all. The Capital Restau-
15 rant, though it appeared undamaged, got its inside
16 desperately devastated, because the Chinese troops
17 seemed to have been staying there. Under the leader-
18 ship of the Adjutant of the Department of the Head-
19 quarters, the Capital Restaurant was being cleaned
20 on the morning of the 16th. and in the room for General
21 MATSUI, necessary preparations were made with some
22 difficulty. All members under the Chief of Staff,
23 however, were ready for bivouac, it was told.

24 "16. General MATSUI received, on December
25 14th, the information concerning the capture of Nank-

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1 ing. Though he had not yet completely recovered
2 from his illness, he flew in a small-sized airplane
3 from Suchow on the 15th together with Colonel MUTO,
4 Vice Chief of the Staff, and arrived at the airdrome
5 of Chujung, where he advanced by motorcar as far as
6 Tangshuichen.

7 "On December 17th, the ceremony for the
8 triumphant entry into the Walled City of Nanking was
9 held, and General MATSUI entered together with Vice
10 Admiral HASEGAWA, Kiyoshi, Commander of the Navy.
11 The Capital Restaurant was his lodging. After the
12 ceremony, General MATSUI gathered all participating
13 officers and ordered them to be more strict in main-
14 taining military discipline and morale. He also
15 commended the troops inside the Wall to adjust, and
16 ordered unnecessary troops to go outside. This order
17 of his which was demanding more strict execution of
18 his earlier orders was issued because he had received
19 a report from the Military Police there regarding
20 some crimes connected with military discipline and
21 morale which were committed by some troops under his
22 command.

23 "General TSUKADA immediately ordered the
24 staff officers under him to inspect the outside of
25 the Walled City of Nanking for the investigation of

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1 the quartering power there. As a result, the area
2 came to be found out that it was absolutely unfit for
3 military quartering. For that reason, on December
4 19th, it was decided that the 10th Army would be
5 sent back to the Wuhu district, and that the Shanghai
6 Expeditionary Army, leaving only the 16th Division
7 for the protection of Nanking, would be made to re-
8 tire gradually to the north coast of the Yangtse
9 and to the Shanghai district. This was gradually
10 put into practice.

11 "17. On December 18, a memorial service
12 for the dead officers and men was held. In celebrat-
13 ing this memorial service, General MATSUI strongly
14 emphasized that 'not only the souls of the Japanese
15 dead, but also those of the Chinese dead should be
16 worshipped and appeased -- such alone is the founda-
17 tion for the establishment of peace and harmony be-
18 tween China and Japan, and is also the real spirit
19 of the Greater Asia Doctrine I always emphasize.'
20 He gave an order to the Chief of the Staff to make
21 preparations for the memorial address, etc.

22 "However, there was not enough time left
23 for us to do so. It was therefore decided that the
24 memorial service for the departed spirits of the
25 Chinese would be held on another occasion. General

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1 MATSUI regretted it quite immensely. After repatriat-
2 ing to Japan, he had a temple built for the Goddess
3 of Mercy at IZUYAMA, ATAMI City and Kanagawa Pre-
4 fecture, and here he worshipped the souls of the
5 dead of both the Japanese and Chinese troops. The
6 temple still exists now.

7 "18. The so-called poor people's quarters
8 which were administered by the Nanking Safe Area
9 Committee were not officially acknowledged as a
10 neutral zone according to the international laws,
11 but these quarters came to be considered that there
12 would be no trouble. Therefore, it was decided that,
13 even after the capture of Nanking, these quarters
14 would be protected and that those quarters would
15 be clearly partitioned and guarded by military troops.
16 It was considered that even soldiers would not be
17 permitted to enter these quarters without special
18 permission.

19 "Later, we heard that the committee had pro-
20 tested against the atrocities committed by the Jap-
21 anese soldiers within these quarters. However, their
22 protest did not reach the Central China Area Army
23 Headquarters. Even granting that there were such
24 illegal acts there, protests had to be offered
25 to the Japanese Consulate which was to establish

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1 communication with the Special Service Organs,
2 and the Shanghai Expeditionary Army Headquarters
3 which had had direct responsibility for guarding
4 Nanking. Despite this, there were no informations
5 from the Shanghai Expeditionary Army to the Central
6 China Area Army and therefore neither Commander
7 MATSUI nor the Staff Department knew the above-men-
8 tioned protests.

9 "Unlawful acts by the Japanese soldiers, if
10 any, had to be investigated and court-martialed and
11 only the results were to be reported to the Central
12 China Area Army Headquarters.

13 "However, the rumor that there were unlaw-
14 ful acts of the Japanese troops in Nanking came to
15 the Knowledge of General MATSUI after his return to
16 Shanghai with all his staff officers. General
17 MATSUI came to feel quite uneasy and had me transmit
18 the following instructions:

19 "It is rumoured that illegal acts are being
20 committed in Nanking by Japanese troops. As I gave
21 instructions on the occasion of the entry ceremony
22 into Nanking, no such acts should be taken under any
23 circumstances for the honour of the Japanese Army.
24 Especially, because Prince ASAKA is our Commander,
25 military discipline and morals must be even more

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1 strictly maintained. Any one would would misconduct
2 himself must severely be punished. As for damages
3 done, measures should be taken that they may be com-
4 pensated or returned.'

5 "Therefore, on or about the 26th or the 27th
6 of December, I left Shanghai for Nanking and conveyed
7 the above order to the Chief of the Staff of the
8 Shanghai Expeditionary Forces."

9 THE PRESIDENT: Mr. Sutton.

10 MR. SUTTON: There is no certificate --

11 THE MONITOR: Just a moment, please, Mr.
12 Sutton.

13 MR. ITO: (Continuing) "It was reported that
14 the Chief of the Staff and all the staff of the Shan-
15 hai Expeditionary Forces were inspecting day and
16 night all the streets there so as to realize the per-
17 fect maintenance of the military discipline and morals
18 there."

19 THE MONITOR: Mr. Sutton, you interfered
20 while the reading was going on. We didn't hear your
21 words. Will you repeat the whole thing?

22 THE PRESIDENT: You refer to the second
23 last paragraph on page 10, I take it?

24 MR. SUTTON: Page 10, yes, sir, the para-
25 graph which begins "It is rumoured ..."

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THE MONITOR: What paragraph is that, sir?

MR. SUTTON: The next to the last paragraph on page 10.

THE MONITOR: Mr. Sutton, when you refer to a section in this affidavit, please give us a numbered paragraph, not the page. The English "page 10" doesn't mean anything to us if we are to find any place.

MR. SUTTON: Paragraph No. 18.

THE MONITOR: Thank you, sir; the next to the last paragraph in that section.

MR. SUTTON: My objection, may it please the Tribunal, is that there is no certificate covering these instructions, showing that they are not available in documentary form.

MR. ITO: Mr. President, may I explain the matter? There are no written instructions. The instructions were issued verbally and transmitted verbally.

THE PRESIDENT: Well, proceed to read.

MR. ITO: (Continuing) "19. Before and after the ceremony for the entry into the Walled City of Nanking was held, I went to Nanking and carried out inspections in the city. On those occasions I saw no dead or massacred bodies of the Chinese civilians except about one hundred dead

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1 bodies near Psirkuan, and about thirty near Asia
2 Park, which looked like Chinese soldiers.

3 "I hear that there were about five thousand
4 prisoners of war in Nanking. But they have never
5 been massacred, but they have gradually been released
6 on the other side of the Yangtse, according to the
7 information received from both armies.

8 "20. General MATSUI was always anxious to
9 avoid friction with foreign nations, and gave orders
10 to protect foreign rights and interests. The Staff
11 Department, too, transmitted them to both armies on
12 all possible occasions. However, some violences of
13 foreign rights and interests came to my knowledge
14 by the information which came from both armies.
15 Since violation of the foreign rights and interests
16 was to be settled by international negotiations, it
17 could not be treated by either of the two army head-
18 quarters. For that reason, the information came to
19 the Central China Area Army. Concerning the protec-
20 tion of foreign rights and interests, one thing we
21 were practically embarrassed with on the battle-field
22 of China was that the Chinese soldiers and civilians
23 made false use of the American, British, German and
24 other country flags. It was quite frequent that they
25 hampered Japanese operations in this way. For in-

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1 stance, although it was quite evident that at Yang-
2 chou there existed no foreign rights and interests,
3 as the result of previous investigations British,
4 American and German national flags were being put
5 up. Consequently, this occasioned our doubts
6 and on examination it became clear that the Chinese
7 had been using the foreign national flags falsely.

8 "The above is only one instance among many.
9 Such instances on the battlefield of China, both on
10 sea or on land have often been reported to me. In
11 consequence, we had to experience such inconvenience
12 that the Japanese soldiers were unable to believe
13 that where there were foreign national flags,
14 there were foreign rights and interests. We be-
15 lieve that the case of violating foreign rights and
16 interests which broke out in Nanking must have been
17 treated and settled by the hands of the Damage Inves-
18 tigating Committee in Shanghai consisting of members
19 of both Army and Navy and of diplomatic organs there.

20 "21. I know about the affair concerning
21 the sinking of the 'Lady Bird.' I received the
22 information that a British gunboat had been fired
23 upon near Wuhu by the artillery troops attached to
24 the 10th Army. About the 14th of December, there-
25 fore, the Chief of the Staff ordered me to go and

1 investigate the real situation.

2 "I immediately went to the 10th Army
3 Headquarters and conducted investigations. The
4 following facts have been discovered as a result:

5 "On December 11th, the 10th Army Headquarters
6 were advancing near Wuhu. Severe battles were being
7 fought near Nanking, and the Chinese troops were
8 in the midst of retreating on the Yangtse aboard
9 various kinds of vessels, big and small, which they
10 had mobilized. Lt. General YANAGAWA being aware of
11 the situation, conveyed to Colonel HASHIMOTO, Comman-
12 der of the 13th Artillery Regiment, an order by tele-
13 gram: 'Regardless of nationality, carry out bombard-
14 ment!'

15 "The reason why he issued this order was
16 that he understood that the ships were retiring with
17 retreating Chinese soldiers on board and with foreign
18 national flags. Col. HASHIMOTO who received this
19 order was advancing in the direction of Nanking at
20 that time, but on the 11th returned to Wuhu all of a
21 sudden, and thus occupied positions there. On the
22 morning of the following day, he witnessed in the
23 thick mist on the Yangtse several vessels carrying
24 the retreating soldiers, and instantly he fired upon
25 them. It became clear that the 'Lady Bird' had been

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1 among the fired vessels, and that entirely due to
2 the thick mist, he had made an error.

3 "I reported the results of my investigations
4 as above to General TSUKADA, the Chief of the Staf,
5 and then to General MATSUI.

6 "General MATSUI ordered General TSUKADA,
7 the Chief of Staff, to transmit his message to the
8 Commander of the 10th Army that apology should be
9 immediately made to the Chief of the British Navy,
10 and I heard about this matter beside him. Then I
11 heard that General MATSUI, immediately after return-
12 ing to Shanghai from Nanking, met Admiral Little, of
13 Britain, to whom he expressed feelings of his great
14 regret, and that the Admiral came to understand this
15 matter and promised him to convey General MATSUI's
16 apology to the British Government.

17 "22. The shelling of the 'Panay' was chief-
18 ly investigated by the Navy. I obtained the outline
19 of the case only and never went into details. As
20 regards this matter, too, I have received the infor-
21 mation that General MATSUI, after returning to Shang-
22 hai from Nanking, expressed feelings of regret to
23 Admiral Yarnel, Commander-in-Chief of the American
24 Navy.

25 "23. General MATSUI entered the "alled

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22 hai from Nanking, expressed feelings of regret to
23 Admiral Yarnel, Commander-in-Chief of the American
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1 City of Nanking on December 17th, and on the 20th
2 left for Shanghai by destroyer with the Chief of
3 Staff. All other members, including Colonel MUTO,
4 Vice Chief of the Staff, reached Shanghai on the 21st
5 or 22nd by a temporarily mended train. The reason
6 why General MATSUI hurried back to Shanghai like this
7 was because he had been ordered by the Imperial General
8 Headquarters to commence the attack against the
9 Hangchow area at the end of December, and he, for
10 this reason, had to command operations.

11 "24. Until the capture of Nanking, there
12 had been no judicial department attached to the
13 Central China Area Army and, naturally, no court-
14 martial. However, the Japanese Army on or about
15 December 20th was like this: The Shanghai Expeditionary
16 Forces Headquarters was placed in Nanking, the 10th
17 Army Headquarters in the Hangchow area and Central
18 China Area Army Headquarters in Shanghai. Therefore,
19 at the end of December, the Judicial Department was
20 established also in the Central China Area Army by
21 the order of the Imperial General Headquarters, and
22 the court-martial came to establish itself.

23 "The Judicial Department attached to each
24 army is an independent law organ. It was under each
25 commander and was never commanded by the Chief of the

1 Judicial Department of the Central China Area Army,
2 though the results of the court-martial had to be
3 reported to him.

4 "The chief of the staff of each army has no
5 right to command the Chief of the Judicial Department,
6 but he is able to administer the business affairs
7 of the Judicial Department. However, the Vice Chief
8 of the Staff of each army has no authority whatsoever
9 concerning this.

10 "Such being the case, all the staffs below
11 the vice-chiefs are quite ignorant of the results
12 of the court-martial or the business of the Judicial
13 Department unless they are given some special infor-
14 mation from the Chief of the Judicial Department.

15 "25. The so-called Nanking Incident came
16 to be rumored in the world long after I had resigned
17 the post of a staff of the Central China Area Army.
18 As I have stated above, I paid my visit to Nanking
19 several times, but I have never heard about such great
20 events as have been rumored so far, nor have I seen
21 anything concerning such events."

22 THE PRESIDENT: "We will recess for fifteen
23 minutes.

24 (Whereupon, at 1445, a recess was taken,
25 until 1500, after which the proceedings were
resumed as follows:)

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1 Judicial Department of the Central China Area Army,
2 though the results of the court-martial had to be
3 reported to him.

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5 right to command the Chief of the Judicial Department,
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7 of the Judicial Department. However, the Vice Chief
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25 until 1500, after which the proceedings were
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Where is the witness? The
4 witness should be in the box at the resumption of
5 court.

6 Great laxity is being displayed today. Fancy
7 having to waste this amount of time. This is no laugh-
8 ing matter. It is a very serious matter. We will have
9 to take stern measures against some people.

10 Y A S U T O N A K A Y A M A, called as a witness
11 on behalf of the defense, resumed the stand and
12 testified as follows:

13 MR. SAEKI: I am Counsel SAEKI representing
14 the accused MUTO. I have a brief direct examination
15 to make to this witness on the part of my accused MUTO.

16 DIRECT EXAMINATION (Continued)

17 BY MR. SAEKI:

18 Q Generally speaking, what were the duties
19 of the Vice-Chief of Staff of the Central China Expe-
20 ditionary Force, which was the post occupied by the
21 accused MUTO?

22 A The Vice-Chief of Staff is the assistant to
23 the Chief of Staff, and his main duties relate to the
24 supplying of men and ammunition in accordance with
25 orders given by the Chief of Staff.

1 Q Does the Vice-Chief of Staff have the authority
2 to make decisions or to give orders?

3 A As I said before, he was merely an assistant
4 to the Chief of Staff and has no power of decision.

5 Q In what kind of work was he engaged while he
6 was staying in Nanking between the time of the cere-
7 mony of the entry into Nanking on the 17th of December
8 up to the 21st or 22d of the same month?

9 A First of all an inspection of the situation
10 and disposition of troops outside the walls of Nanking,
11 and efforts not to let Japanese soldiers within the
12 walls of the city to get out -- and also inspection
13 into the billeting capacity outside the walls of
14 Nanking, and efforts to prevent soldiers from going
15 outside of the wall.

16 THE INTERPRETER: Correction please: He was
17 trying hard to billet as much as possible the Japanese
18 troops outside the walled city of Nanking.

19 A (Continuing) He was giving me directions,
20 as to me, the senior staff officer, directions with
21 respect to the protection of foreign interests and
22 other matters pertaining to foreign relations.

23 Q Were there any special reasons for which you
24 were appointed the senior staff officer on behalf
25 of the Central Expeditionary Forces, the Japanese

1 Expeditionary Forces in Central China?

2 A I should think it was from the fact that
3 Colonel MUTO considered my background as being most
4 fitting in handling foreign relations because I had
5 studied abroad in America and China.

6 MR. SAEKI: That is all.

7 MR. ITO: The prosecution may cross-examine

8 THE PRESIDENT: Mr. Sutton.

9 MR. SUTTON: If it please the Tribunal.

10 CROSS-EXAMINATION

11 BY MR. SUTTON:

12 Q When did the 10th Army, the YANAGAWA Army
13 Corps, land in China?

14 A The 5th of November 1937.

15 Q Was not General MATSUI placed in command of
16 the Middle China Expeditionary Force on 30th October
17 1937?

18 A May I have that repeated?

19 (Whereupon, the question was read
20 by the Japanese court reporter.)

21 A Yes.

22 Q And was he not concurrently Commander of the
23 Shanghai Expeditionary Force?

24 A Yes, he was.

25 Q How long did General MATSUI remain in command

of the Central China Expeditionary Forces?

A About ten divisions.

Q You apparently did not understand my question. I asked you how long did General MATSUI remain in command of the Central China Expeditionary Forces?

A General MATSUI was at first Commancer of the Shanghai Expeditionary Forces, and then later he concurrently became Commander of the Central China Area Army. Following that he became Commander of the Central China Expeditionary Forces.

THE PRESIDENT: Do you really want to know how long he remained in charge?

Q Was General MATSUI in command of all the military forces of Japan in China which engaged in the campaign resulting in the capture of Nanking?

A Not so.

Q And did he not continue in command of the troops which occupied Nanking until he was succeeded by General HATA in February 1938?

A At the time of the occupation of Nanking General MATSUI was the Commander-in-Chief of the Central China Area Army only, and then he was succeeded to that post by General HATA.

NAKAYAMA

CROSS

1 Q Did the Chinese Army defending Nanking
2 continue to offer resistance after the Japanese
3 troops entered the city on 13 December 1937?

4 A What date of December?

5 Q 13th.

6 THE PRESIDENT: 13th.

7 A The morning of the 13th, to speak more in
8 detail, the Japanese Army captured the wall of Nanking
9 at twelve midnight of December. The night of the 12th
10 of December, and if I should say it more exactly, the
11 early morning of the 13th of December, the Japanese
12 forces captured the wall of Nanking. It is believed
13 that there was fighting to the morning of the 13th
14 because with the momentum with which the Japanese
15 forces attacked the walls they pursued the fleeing
16 Chinese forces.

17 Q Is it not a fact that after Nanking fell,
18 all armed resistance within the city ceased?

19 A Yes, I think that the armed resistance ceased
20 on the morning of the 13th.

21 Q Where did General -- you stated that General
22 MATSUI's headquarters were at the Capital Restaurant.
23 How far is that from the grounds of the University
24 of Nanking?

25 A I recall the distance being about two

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CROSS

1 kilometers north of the university.

2 Q How close was the Capital Restaurant to the
3 nearest refugee zone?

4 A I recall -- I remember it as being about
5 one and a half kilometers.

6 Q Which was the nearest refugee zone to the
7 headquarters of General MATSUI?

8 A In my recollection there was only one
9 refugee zone in Nanking.

10 Q Were all of the 200,000 refugees crowded
11 on this one refugee zone?

12 A They were in one large area, but they were
13 not crowded.

14 Q Was Chinling College within the refugee zone to
15 which you refer?

16 A Yes.

17 Q How long did General MATSUI remain in Nanking?

18 A About one week after the capture of Nanking.

19 Q You state in your affidavit that he arrived
20 on the 17th and left on the 20th. I take it you wish
21 to amend that statement?

22 A I withdraw the word "one week." I was
23 mistaken. The statement I have made in the affidavit
24 is true.

25 Q I call your attention to the statement of

1 General MATSUI in his interrogation, exhibit 257,
2 from which I quote one sentence:

3 "I entered Nanking on the 17th and after
4 one week I returned to Shanghai."

5 Does that refresh your recollection?

6 A I have no positive recollection as to how
7 many days General MATSUI stayed in Nanking, but my
8 recollection is that he stayed the length of time as
9 I have stated in my affidavit.

10 Q What days were you in Nanking during December
11 of 1937?

12 A I was in the suburbs of Nanking, called
13 Tangshuichen, before and after the capture of Nanking.
14 My first entry into the city was made on the 13th,
15 and I was there on the 14th and also the 15th.

16 Q On what days did you carry out inspections
17 in the city of Nanking?

18 A On all days.

19 Q In what parts of the city did you carry out
20 your inspections?

21 A I do not positively recall the street names
22 or district names. But I inspected all over the city,
23 both within and without the walls.

24 Q Did you have occasion to inspect the grounds
25 of the University of Nanking?

NAKAYAMA

CROSS

1 A By the University of Nanking, I presume you
2 to mean Chinling University. Yes, if that is the case.
3 Is that what you mean?

4 Q I mean the grounds of the University of
5 Nanking, which is distinguished from Chinling College.

6 A I have never seen the University of Nanking.

7 Q Did you have occasion to inspect the grounds
8 of Chinling College, on which--

9 A Yes, twice.

10 Q On which more than 20,000 women and girls
11 were refugees?

12 A I don't know exactly how many women and girls
13 were taking refuge there, but I did see with my own
14 eyes that there were women and girls taking refuge
15 there.

16 Q At how many places in the city of Nanking
17 did you see dead bodies?

18 A Two places.

19 Q Did you inspect at night as well as by day?

20 A Yes.
21
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NAKAYAMA

CROSS

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1 Q How frequently at night?

2 A Only twice in my recollection.

3 Q Where were these two places at which you
4 saw dead bodies in the city of Nanking?

5 A The first place was a place called
6 Hsiakwan, in the suburbs of Nanking. The second
7 was Asia Park.

8 Q So that at only one place in the city
9 of Nanking proper did you see dead bodies; is that
10 correct?

11 A To speak more accurately, it would mean
12 that I didn't see any within the walls of Nanking.

13 Q Were these dead bodies that you saw at
14 two places outside the walls of Nanking civilians
15 or soldiers?

16 A Dead bodies of soldiers.

17 Q And you saw no dead bodies of civilians
18 either within or without the walls of the city of
19 Nanking?

20 A I have never seen them.

21 Q You state on page 8 of your affidavit --

22 THE MONITOR: Paragraph number, please.

23 IR. SUTTON: Second paragraph of Section
24 15.

25 Q (Continuing) "I witnessed on that road

1 no dead bodies except some sand bags which were scat-
2 tered about near Chungshan Gate." Did the sand bags
3 contain the bodies of the dead?

4 A No dead bodies in these bags.

5 Q What do you mean by that statement which I
6 quoted to you?

7 THE PRESIDENT: We have an idea, if you
8 haven't, Mr. Sutton?

9 Q Did you in your inspections go on any of
10 the side streets of Nanking?

11 A Yes.

12 Q Did you go along the Bund?

13 A Yes.

14 Q And did you go along the banks of the Yangtze
15 River outside the walls of the city of Nanking?

16 A Yes.

17 Q And did you not learn that there were bodies
18 of thousands of dead civilians on the banks of the Yangtze
19 River, where they had been shot by Japanese soldiers?

20 A Absolutely not?

21 Q Did you see Chinese civilians tied together
22 being marched along the streets of Nanking by Japanese
23 soldiers?

24 A No.
25

1 Q And did you not learn that groups of
2 civilians of more than one thousand each were
3 taken from the safety zones, marched to the banks
4 of the Yangtze, and mowed down by machine gun
5 fire by Japanese troops?

6 A I have never at any time seen or learned
7 of anything like that, and I do not believe that
8 such is a fact.

9 MR. SUTTON: These questions are based
10 upon the testimony of Mr. Magee, which appears,
11 at page 3898 of the record, and the testimony of
12 Dr. Hsu, which appears at pages 2563-64 of the
13 record.

14 Q When did General MATSUI first receive
15 reports that the troops under his command had
16 committed crimes in Nanking?

17 A The first report was received immediately
18 after the entry into Nanking.

19 Q And from whom did he receive reports
20 that the troops had committed crimes in Nanking?

21 A I think the reports were received from
22 the Kempei, the military police authorities.

23 Q What were the type and natures of the
24 crimes which the report stated had been committed
25 by his troops?

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1 A I have no positive recollection.

2 Q Did he receive any other reports of
3 crimes committed by his troops than those which
4 he received from the military police?

5 A I think he did.

6 Q And from whom did he receive the
7 additional reports that his troops had committed
8 crimes in the city of Nanking?

9 A From commanders and division commanders
10 under General MATSUI's command as well as from
11 diplomatic organs.

12 Q How many reports did he receive from
13 his commanders and division commanders relative
14 to these crimes on the day on which he entered
15 Nanking?

16 A I have no positive recollection of that.

17 Q Were you with him when he received the
18 reports?

19 A No, we were not together.

20 Q Do you know whether or not the defendant
21 MUTO was with him when he received these reports?

22 A I have no recollection of that.

23 Q You stated that he received reports
24 from diplomatic sources. Do you refer to the
25 consular officers in Nanking?

NAKAYAMA

CROSS

1 A Yes, I am speaking of Japanese personnel
2 who remained in the Japanese Consulate in Nanking.

3 Q Was FUKUDA, F-U-K-U-D-A, Tokuyosu, one
4 of the officials from whom General MATSUI received
5 reports?

6 A I do not know whether FUKUDA was one
7 of those who remained behind in the Consulate.

8 Q Was FUKUI, the Acting Consul General in
9 Nanking, one of those from whom General MATSUI
10 received reports?

11 A I have no recollection.

12 Q Did you know the Consul General, HIDAHA,
13 Shinrokuro?

14 A Yes, I do,
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NAKAYAMA

CROSS

1 Q Was he not in Nanking on December 17 and
2 for some days thereafter?

3 A I think he was.

4 Q Were not the reports on anything allegedly
5 wrong done by Japanese soldiers that were submitted
6 to the Consul General by foreign residents sent to
7 the army in Tokyo -- to the army in Nanking?

8 A I think such matters were reported to the
9 Special Service Department of the Shanghai Expeditionary
10 Forces.

11 Q Is it not a fact that the International
12 Committee for the Nanking Safety Zone made daily
13 reports and sometimes several reports on the same day
14 to the consular authorities relative to the atrocities
15 committed by the Japanese troops in Nanking?

16 A Yes, I learned of that much later.

17 Q And in addition to those reports did not
18 Dr. Bates on behalf of the University of Nanking and
19 Mr. John H. D. Raabe and John G. Magee and others make
20 reports to the consular authorities concerning the
21 atrocities committed by the Japanese soldiers in
22 Nanking?

23 A I learned of those facts later through
24 somebody else.

25 Q Is it not a fact that on December 16, 1937

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1 a report with a list of atrocities committed by
2 Japanese troops was sent to Mr. FUKUDA of the
3 Japanese consular service by the secretary of the
4 International Committee for the Nanking Safety Zone?

5 A I do not know that.

6 Q And is it not also a fact that on December
7 18, 1937 when General MATSUI was in the city of Nanking
8 that a report was sent by John H. D. Raabe, chairman
9 of the International Committee for the Nanking Safety
10 Zone to the Japanese Embassy marked for the attention
11 of the second secretary, Mr. FUKUI?

12 THE PRESIDENT: Mr. Sutton, this is impos-
13 sible. Fancy asking him, does he know all these
14 details. He might if he were a member of the consul-
15 ate. You are only reminding us of the evidence. You
16 are not putting your evidence to him with a view to
17 getting an answer; your purpose is to remind us that
18 this evidence for the prosecution exists. It is help-
19 ful to know it but, really, it should come in an
20 address at the end of the case.

21 Q Did the consular offices in Nanking report
22 to the army the information which they secured from
23 the foreign residents in Nanking?

24 A As I said before, I think such reports were
25 made to the Shanghai Expeditionary Forces and the

NAKAYAMA

CROSS

1 Special Service Department but unfortunately such
2 reports were not made to the Central China Area
3 Army.

4 Q Whose duty was it to transmit those
5 reports to the Central China Area Army?

6 A I think the staff department of the
7 Shanghai Expeditionary Forces.

8 Q Were not the reports made direct by the
9 members of the diplomatic service to General MATSUI
10 himself when he was in Nanking?

11 A No.

12 Q I call your attention to the interrogation
13 of General MATSUI, exhibit 257, in which he states
14 that he heard reports that his troops had committed
15 many outrages almost as soon as he entered Nanking
16 and that he heard these reports from Japanese diplo-
17 mats in Nanking. Is not that a correct statement of
18 the facts?

19 A I am unfamiliar with the details inasmuch
20 as I was not always near General MATSUI but in so far
21 as I know the Central China Area Army has not received
22 reports from diplomatic sources.

23 Q Did you see any fires burning in the city
24 of Nanking?

25 A Yes.

NAKAYAMA

CROSS

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21 as I know the Central China Area Army has not received
22 reports from diplomatic sources.

23 Q Did you see any fires burning in the city
24 of Nanking?

25 A Yes.

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1 Q And at how many different places in the
2 city of Nanking did you see fires burning during the
3 time you were there?

4 A At one place and that was west of the
5 airfield south of Nanking.

6 Q Within or without the city walls?

7 A Within the walls.

8 Q And at only one place did you see any fires
9 burning when you were in Nanking?

10 A Yes.

11 Q You stated in section 20 of your affidavit
12 that information with regard to the violation of
13 foreign rights and interests came to the Central
14 China Area Army. How many complaints did you receive
15 of violations of foreign interests in Nanking?

16 A Two.

17 Q Did they, either of those, have to do with
18 the burning of the Russian Embassy which occurred on
19 January 1, 1938?

20 A No connection.

21 Q Did they have to do with the burning of the
22 YMCA building or the buildings of churches or church
23 schools in the city of Nanking?

24 A I have never heard that even the fact that
25 such schools had burned down.

NAKAYAMA

CROSS

1 Q Had you not heard of the burning of the
2 Russian Embassy?

3 A Yes, I did.

4 Q Was the complaint filed by twenty-two
5 foreign residents with the consular office on 21
6 December 1937 in which they asked that the burning
7 throughout the city be stopped; was that complaint
8 referred to you?

9 A No.

10 MR. SUTTON: The question is based upon
11 number 20, which appears in exhibit 323.

12 THE PRESIDENT: We will adjourn until
13 half-past nine tomorrow morning.

14 (Whereupon, at 1600, an adjournment
15 was taken until Tuesday, 13 May 1947, at 0930.)

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